

Community Involvement Advisory Council (CIAC)
Meeting Notes
August 14, 2007

Present: Voting Members: Dr. Bruce Allison, Janice A. Durham, Dr. Bethany Hall-Long, Dr. Jay Julis, Pamela Meitner, La Vaida Owens-White, William E. Pelham, Donald B. Scholfield, Harold Truxon (9 Voting Members Present/ Quorum is 6 members / Quorum is confirmed.)

Present: Other Members/Presenters: James Brunswick, Vicki Ward, Lee Ann Walling

I. Meeting Called to Order

Chairperson Bill Pelham greeted the group and began the meeting at 9:40. He explained to guests, this meeting is the August meeting and the council meets every other month. There are full time employees that attend, James Brunswick is the Community Ombudsman and Vicki Ward helps with the organization of the meeting.

Since a quorum was not present at the June 12th meeting, meeting notes from the two previous meetings were voted upon. Notes are from the April 17, 2007 and June 12, 2007 Community Involvement Advisory Council meetings.

MOTION: Pam moved and Jay second to approve the April 17, 2007 notes, all were in favor the motion passed.

MOTION: Pam moved and Don second to approve the June 12, 2007 notes, with no questions all in favor, the motion passed.

II. Meeting Protocol Review

The protocol was foregone to move directly to the CEPF report.

III. CEPF Fund

- September 1 Advertisement

James indicated during the April minutes there was decided to move the due date for applications to September 4th due to holiday.

He questioned if the Council would want to advertise in the News Journal Aug 15 with the September due date. Members were in agreement of the advertisement but felt the 2 week notice was too short of a time period.

MOTION: Jay moved and Don second to make the deadline September 15, 2007. All were in favor, the motion carried.

- Septic Initiative Funding

James informed he had a meeting with the fiscal office and David Small regarding the septic funding initiative. Internal approved \$24,000 and fiscal wanted \$4,000 out of the larger penalty fund. Council had previously asked about interest. We received an influx of about \$121,000 back in June. Fiscal asked, rather than take the \$4,000 out of the penalty fund to take the \$4,000 out of the interest we received from interest payments.

Bill questioned Council members if they had any problems with this request.

MOTION: Jay moved and Bruce second that the \$4,000 be taken out of the interest accrued on the CEPF account. All approved, the motion carried.

- Pending Project Reports

James advised the Council there are two projects with pending reports. Delaware City Branch Canal project of 1.2 million dollars, with a bottom line 2.96 million for the entire project. The applicant, Delaware City had anticipated that the balance was to come from a bond bill allocation, but this did not happen. I understand that about \$104,000 was allocated by the Bond Bill Committee. The project cannot be launched at this time due to the lack of project funding. Opportunities to obtain additional bond money will not occur until June. We need to ask Delaware City to send the Council a letter and clarify how they intend to raise the additional \$1.2 million required for project implementation..

Discussion:

Bill verified the project was approved by Council one year prior. James pointed out that every project has a begin date and an end date. The applicant provides this information on the application. There has not been sufficient fund raising progress. I'm asking the councils' approval to send a letter to DE City asking how they intend to raise the additional funds.

Jay commented the project is good and verified interest is being earned on the funds. Bill offered 2 avenues to consider; asking for a realistic project schedule within 90 days, or say you have 6 months to use funds. Pam also suggested the option of; you lost your funding, reapply when ready.

Jay favored the first option going ahead with the project but provide a realistic time frame. If there is a possibility they can get the funds let them go ahead with it.

Pam pointed out there is the worry that over time, sponsors may be lost, lose oversight, it's not unreasonable to ask them to reapply, who's running the show. Worst case, over the passage of time people move on to other things, different people are managing, or perhaps there are not enough funds, and they go with a less effective option.

Bill suggested rather than go through the entire process again to consider a compromise to ask for a 30 day response? He was inclined to give the benefit of the doubt.

Bruce also would like a 30 day time frame, considering we have the next group of applicants to review, we need to know whether that money is going to be used or not. He would also would like to maintain the commitment to the project, but he would expedite a report, and require notification of the CIAC if their cast of players changes.

Bill asked if James had been in communication with Paul Morrill, the Delaware City Manager. He replied that they had spoken about two weeks ago. He (Paul Morrill) acknowledged the funding challenges and informed him that the project could be revised so it could be carried it with existing funds and developed in several stand alone components. He was willing to work with his DNREC project sponsors to revise the project plan.

A letter was proposed that would ask Paul Morrill to provide a detailed scheduled within 30 days.

Jay and Bruce were both agreeable, and then we would have the information to make an informed decision by the next meeting of the Council. Bill, Harold and Pam all agreed to have James send the letter. Bethany also agreed that a letter should be sent. She added, things change, and Castle's office was big on the project and might be moved to help find support for the project. Bill confirmed with Pam that she was okay with the letter and that it should ask: "What have you done, what you plan to do, what is the scheduling for the project. Please respond within 30 days."

James raised a point that the CIAC might consider in evaluating large capital projects in the future. Typically capital projects raise 50-60% of their funding goal prior to soliciting public funds. We have some project applications that ask for CEPF funding as their initial commitment to a long term funding raising campaign. This insures that we are the most risky investment and that CEPF funds are potentially tied up long term in an uncertain project.. The Council should consider whether we want to require applicants for these types of projects to secure a significant amount from other sources or take the risk of making relatively large commitments to projects with an uncertain outcome.

James continued, the City of Wilmington has a similar challenge. The city can't move forward because it has to make some policy decisions around recycling and until those policy decions are approved by the administration, the city cannot allocate enough money to complete the project as planned. As a result we have \$102,000 in CEPF funds still

obligated to purchase the trash receptacles for city-wide recycling program. We granted funds, but the applicant can't move forward on a worthy project because the funding they anticipated did not come through.

Bill inquired about any other pending projects. James replied the DE City Eco Tourism Final Report is still outstanding. James replied that in his last conversation with Andréa Kreiner, lead staff for the project, he was told that the Final Report would be the completed project plan. All of the planning is done, but she was still working getting on the final draft ready to be published. I'll ask for a report for our next meeting.

IV. Community Environmental Project Fund Applicants

- **Delaware City Park District
Dragon Run Nature Trail**

Bill explained to the group, that the Dragon Run Nature Trail applicant did not show up for the June meeting, but was here today to present their proposal. Bill explained to all that, there were a number of projects presented at last meeting. However, because there was no quorum the Council could not formally vote on recommendation to the Secretary. Despite the lack of a quorum, there were projects that Council wanted to recommend to the full quorum of the CIAC..

James informed that the applicants for the Center for the Inland Bays - Sea Island Restoration project, and the Sussex County Habitat for Humanity ReStore, had presented their projects to the Council at the June meeting. The Council did not vote, but the members that were present indicated that they favorable to those projects. The Council members reviewed the Delaware City Community Park District - Dragon Run Park Nature Trail project without benefit of a presentation. And once again, the Council could not vote, but the members present that day indicated that they would be favorable towards that project in a formal vote of the CIAC.

Wade Bendler of the Delaware City Park District presented the grant proposal for the nature trail and passed out a sketch for members. Mr. Bendler explained the total grant is for \$133,000; we are applying for the matching funds, \$33,000. He provided a description of the Dragon Run project. The site is located near Valero. The Park District plans to install an observation deck and canoe ramp. The University of Delaware will contribute canoes. There is a steady stream of bird watchers who visit the site. When completed, it will make a nice place for recreational activities.

Wade informed that at this point, we have walked the area, to figure out where things should go. We now need an architect to decide layout, and base for a pathway. James asked Wade to explain the significance of project and to restorative efforts in the Delaware City area, the Branch Canal Project and the ecotourism project. Wade replied that this project introduces wild life and bird attractions; it would work in well with those

projects by enhancing 30 acres and making the area more user friendly for the community.

James asked Mr. Bendler to verify whether the Park District had already received funds from DNREC Parks for \$100,000. Mr. Bendler confirmed they got the funds January 12, 2007. This is our second project, the second time there.

Bill asked and Wade replied this was a 2 year project, with no draw down yet. Wade informed; we submit the bills to DNREC. As long as project is on time we just roll right along. I get contractors, then forward bills to Bob Ehemann.

Pam questioned this project fund request is for \$33,000. Wade responded; yes, the matching portion.

Pam questioned and Wade responded that once in place, the maintenance of the park will be provided by DNREC. With more people, more trash, will there be receptacles? Mr. Bendler replied, that there will be no trash bins through the nature trail.

Bill questioned who would take care of down trees? Wade informed they did have \$55,000 year budget that provides for some maintenance, but also ran the youth summer program. The requested \$33,000 will go toward the canoe launch and the observation tower, and that area is a still water marsh, not tidal water. Wade noted this offers an opportunity to see the natural wildlife. People get out early in the mornings to see animals, beaver, swans, Baltimore orioles. Nice sunsets.

Jay – sounds good, excellent

Don - yes

Bruce – good project

Pam – In the whole breakdown \$33,000 is not much.

Bill asked if this was a two year project. Wade replied that when applying for the parks grant they had just missed our grant period, so timing was difficult.

Jan – I think this is a good project, from my experience with Bob Ehemann I feel very confident in the project.

Bethany – I'm fine with it.

Harold- I'm good with it.

MOTION: Jay motioned, both Harold and Jan second the approval of the Delaware City Park District, Dragon Run Nature Trail project. With no more discussion, all were in favor the motion carried to fund the project at \$ 33,000.

James announced there were no other applicants present, we need to vote on the recommendations from last meeting. Summarizing the actions from the last meeting he noted that at our last meeting the five Council members who were present indicated that

they would recommend CIAC support for the Dragon Run Natural Trail, the Habitat for Humanity Sussex ReStore project and the Seal Island Restoration.

Bill – So we have potentially 3 projects to be funded and there were two other projects that the Council was not favorable with? James explained the two projects that were questioned:

- 1) The Green Energy, Green Savings project. CIAC members felt there was not enough information. They were asked to revise the application and to resubmit in September. They are working with Charlie Smission of the Energy Office and the Weatherization program to re-work the application
- 2) Brandywine Park Improvements project – there was lots of discussion over this project. The consensus appeared to be that it was good idea but there were two major concerns. The project costs a total of \$900k . The applicants came to the CIAC to request the initial \$100,000 to implement the first phase. Concern were raised about that, the future funding and sustainability of the project. In addition concerns were raised about responsibility for maintenance of the park, and some concerns about security.

Bill questioned the amount available in the CEPF fund. James noted that there were three projects that the Council had considered favorable totaling \$81,000. The June 12th minutes had indicated \$369,438 available. The August spreadsheet shows here an un-obligated balance of 606,000, on the final page. The CIAC members discussed the remaining Green Energy, Green Savings and the Brandywine Parks Improvements projects.

MOTION: Jay moved and Jan second to approve funding the three projects: Dragon Run Nature Trail in the amount of \$33,000, Habitat for Humanity, Sussex ReStore in the amount of \$25,000 and Center for Inland Bays, Seal Island Restoration project in the amount of \$23,000 for a total of \$81,000. All in favor, the motion carried.

- **Applicant Funding Determinations**

Eric Unterreiner from Saint Georges Civic Association asked if we had received their project submission. He said he had Federal Expressed it so we would have it June 1st and had e-mailed it to James and Vicki. James replied that he had attended the St. Georges Civic association meeting in the Spring. He had spoken to Phil Thayer, the Association President who indicated they would be sending a proposal. Vicki did get some email correspondence, but neither of us got the application. We would have to check if the Fedex had gone to some other part of the building. Bill asked Mr. Unterreiner would like to provide a copy and make it official now. Eric said they were requesting \$10,000 for design services for a park and would need to modify the schedule and re-submit for the September 1st period.

1) Community Ombudsman Report

• June 28, 2007 Strong Communities Tour

The tour of the Sussex County strong Communities included representatives from the Department of Public Health, Swati Thomas of the University of Maryland Environmental Finance Center, Harold Truxon and Bob Frederic of the CIAC. Ed Hallock Director of the Drinking Water Program was accompanied by 2 student interns. As a part of the Septic Initiative, DPH allocated funding to conduct tests on 100 wells throughout the Sussex County Strong communities. Testing has started in the northern part of Cool Springs. The tests revealed good water quality for the stick built homes tested, but detected fecal chloroform in wells serving a cluster of mobile home. Water quality was fine in three developments; Cool Springs, Coverdale Crossroads, and Mount Joy. We still have a lot more wells to test. We will be interested to see if water contamination from substandard and/or failing septic systems is as limited throughout the remaining Strong Communities.

Bill asked about problems of seepage from septic and if the fecal chloroform is from human waste, the quality of the drinking water and what about the streams and creeks. James informed that fecal chloroform is from human waste, but the project is only looking at wells.

Bethany noted that this is a joint project with Public Health; the agency that does drinking water. DNREC does streams.

Bill questioned whether the drinking water is being tested but outflow is not yet tested? James replied it is an ongoing process. We would have to ask for reports. There is regular monitoring of water quality throughout the the watersheds statewide. We just need to ask appropriate people within the Department, if the CIAC is interested in that information.

Bill asked and James replied there are fish consumption advisories for all of the state's water bodies. The Office of Public Affairs has been conducting a public information campaign, and they are available for information sessions. Bill asked for something to be scheduled.

Harold added it was a great tour of the situations in Sussex Co. Harold relayed Maryland, North Carolina, South Carolina and Georgia all has the same problems. Sussex County is doing a good job of reporting. He would like to see more involvement; make sure you include the local South East RCAP staff person Trudy Schuyler. It has been a long process, but things are moving.

- **Jimtown Facilitation**

James informed that Jimtown is another community in Sussex that is not incorporated; there is no central sewer, no central drinking water, sidewalks, streetlights, or paved streets. Sussex County Ordinance 1770 required Marine Farms LLC developer, Frank Key to provide central sewer, and water connections, paved streets, sidewalks and lighting for the community as a condition for the Develop of Marine Farms. This community is primarily African American with a substantial number of residents who are senior citizens on fixed incomes, and low to moderate income families. The Jimtown community appears to be split over the offer. When completed, the Marine Farms improvements would require residents to pay quarterly water and sewer bills, creating a hardship for residents who have never had to pay those fees. Some residents want to amend the Ordinance so that sewer and water connections won't be required of them. Working with Ms Rose Allen-Echols, from Jimtown, and our own Pam Mietner, we were able to set up a conference call to mediate a discussion between the residents who are in favor and the residents opposed to the ordinance. Pam Meitner is certified in dispute resolution.

Bill asked if Pam could give a specific report.

Pam replied that she didn't bring notes. She indicated that the community is served by wells and septic. They are currently paying nothing for this service, but if hooked up, they would have to pay, so there is no attractiveness to the project. Down the road, as the state tests implements the Pollution Control Strategy and finds septic that have failed, there will be a problem with enforcement of the new regulation. No one wants to put people out of their homes. However, based on the concerns raised by the people participating in the conference call, it appeared that a majority were opposed to the improvements. A big concern; one woman's home is close to road. If the road widened, and sidewalks installed as the project described, it would take out the front of her house. If this is true, she would never find the project acceptable.

Harold informed that Jimtown is located on Route 9 near Five Points. The CIAC has toured the area. There is a problem in the area with failing septic and no central water system. Harold said, we went in 8-9 years ago and saw the all the signs; some septic are near the wells. Some don't know where the wells are; some septic and wells are within 25 feet of each other. Harold said residents are afraid if they apply for permits, they will be denied.

Bill asked about future prospects.

James explained that the Sussex County Planning and Zoning has already recommended to the County Council that the developer be allowed to proceed with the improvements. James provided an article in the Delaware State News, pointing out the last paragraph; "Motion by Mr. Johnson, seconded by Mr. Burton and carried unanimously to forward this Ordinance Amendment to the Sussex County Council with the recommendation that the Ordinance Amendment be denied. Motion carried 5 – 0."

The conference revealed that there were still many questions about their understanding of the Ordinance and its impact. At the end of the call, the residents asked for a fact finding meeting involving; Sussex County Planning and Zoning, DelDot on the road issues and the developer, Frank Kea. This will provide another opportunity for the community to see how the project will affect them. The Ordinance will be voted in an upcoming Sussex County Council meeting. James stated; I can't say how it will end up, but this is the community's position now. Jimtown is located in a designated "developing area" by the county; so the County government wants to see the development of infrastructure to serve the planned new growth. The County Council might ultimately impose the improvements on Jimtown.

- **Septic Initiative Leadership Dialogue**

If the Pollution Control Strategy (PCS) is implemented, the enforcement of fines for violations of the regulation could have an adverse impact on low to moderate income households in communities. James continued, our Septic financing initiative is aimed at finding grants and low cost loan funds to finance septic upgrades and replacements in these areas. The required Compliance inspections will cost \$500 to residents. The for the best available technology septic systems can coast an average of \$10,000, even more.

After several years of developing the Pollution Control Strategy, it seems the passage of the regulation might turn on the availability of financial assistance to low and moderate income communities. Before the end of the session in June, Secretary Hughes received a letter informing him the General Assembly did not want to see the implementation of the PCS regulation until it returned to session and could address it, primarily due to their concerns about the financial assistance problem.

James directed attention to the last page in a handout to the summary of funding needs; We are trying to determine the amount of the funding needed for these low to moderate income communities. James pointed out the funding gap analysis in the handouts, we have estimated that there is a need for \$3 million in both loans and grants in the Inland Bays watershed.

We have scheduled a leadership dialogue In September. Inland Bays residents will talk about their finance concerns. Then in October, financing charettes will be held with the policy makers including; the Controller General, State Housing Authority, Department of Agriculture, Sussex County government, local legislators, non-profits, realtors, and financial institutions. These charettes are aimed at identifying the policy and funding options to meet the need in these communities. The outcome will be a White Paper in December that will provide policy and funding recommendations. The General Assembly reconvenes in January so the timing is good to provide the recommendations in to the Secretary and General Assembly January.

- **Claymont Community Environmental Monitoring**

The Claymont Community has complained since 2003 about the fallout of fugitive dust from the Claymont Steel facility . In October 2006, Secretary Hughes issued an Order to Claymont Steel to hire an independent contractor to analyze the sources of fugitive dust and to take the steps required to eliminate the fallout. A second Order was issued in November 2006 after a stack test, discovered 10 times amount the mercury allowed by its air permit was being emitted from the Claymont Steel facility.

Claymont Steel hired the environmental firm, Earth Tech to conduct the study. The Earth Tech plan called for an initial phase of monitoring to establish a baseline measurement of the amount and locations of the fugitive dust fallout.

Residents objected to the proposed placement of the monitors at the March 2007 presentation of the fugitive dust study. Monitors were to be placed in locations far from where the residents could see the dust falling. The residents demanded a reference monitor and that it be placed in the fallout “hot spots”. Reference monitors would cost upwards of one million to purchase and operate according to Air Quality Management Section Chief, Ali Mirazakahili.

I was asked to research alternatives and found the non-profit firm Global Community Monitor (GCM) Global Community Monitor proposes to train the Claymont Community Monitoring Team to conduct a monitoring program to identify pollution in their area.

Communities are equipped with tools to conduct their own sampling by Global Community Monitor. Community residents learn to conduct air monitoring according to EPA standards. Claymont Steel is to provide a \$35,000 grant to Claymont Community Coalition for this purpose.

Residents will use a variety of sampling tools; the Mini Vol Sampler, swipes, pans, and journals to collect and document the fallout. It is an independent process, to determine to if Claymont is meeting the Secretary’s Order.

Bill asked if Claymont is in line for funding from us. James indicated that perhaps in future. Since the August 1 meeting when the Global Community Monitor project was proposed, The American Lung Association has expressed interest in a collaborative project with the Claymont Coalition to address asthma. In the proposed project American Lung and a sorority of nurses would study indoor air quality. The American Lung Association has discussed the possibility of bringing other stakeholders to the table such as the Nemours foundation and the Department of Public Health. They might also be sources of funding.

Bill questioned if Knollwood was included. James replied, Knowllwood, Analine Village, Hickman Row, those are among the target monitoring communities.

La Vadia questioned if it was the Delaware Nurses Chapter or Chi Eta Phi.

James replied, Chi Eta Phi.

James indicated later today the representatives of UHELP, the Northeast Alliance, Southbridge Civic Association, the Rosehill Community Center and Hamilton/Eden Park Civic Association would tour New Castle and Wilmington with Global Community Monitor to see if they want to start community monitoring. We know from the UHELP study that 25% of kids in this area suffer from asthma. There is a significant amount of vehicular traffic, a high concentration of industry.

James continued, also regarding Claymont; last year the Claymont Coalition pursued an EPA grant. They were not recipients of the grant, but Claymont Industry Partnership emerged from the discussion of the need to collaborate with local industries on local air quality problems. At their last meeting the companies involved in the partnership; Sunoco, Oceanport, Claymont Steel, Honeywell agreed to work towards voluntary reductions of key emissions.

James also informed that yesterday the Cancer Consortium met to discuss the Indian River Power Plant. Public Health and Air Quality made presentations. Public Health recommend control group studies in Indian River area, to investigate causes of the cancer clusters.

James informed that residents in the communities near the plant are demanding more air monitoring, which is expensive and not in DNREC's or Public Health's budgets. Neither agency is convinced that monitoring will shed light, so they plan to conduct control group studies first, to see if that yields anything.

Bethany informed that she is on the Cancer Consortium research committee. This is a multi faceted issue. As a researcher we look at numbers, there are flaws, but there is a concentration of cancer incidents. This is an important issue for CIAC.

2) Open Forum

Tammy Ford introduced herself. She is fromf Ride Share Delaware who run DARTS alternative commuting program. She is interested in the CEPF grant and attended the meeting to learn. She commented that it was an interesting meeting.

Bill raised the question regarding the language of legislation that created our council, specifically the language identifying the area of need, funding areas, where it talks about providing funds in those areas of direct location of violations. We have a broader interpretation, words are clear, Delaware City will it get all, Claymont will get it all. That is what it says. I've expressed concern. I don't want this project get caught in media crossfire.

Pam mentioned we cannot base it on the criteria of what is in the press. The question is really with the Secretary. The secretary will apply his judgment, with any project, that is fine. Bill stated: I don't want us to get caught in a legal interpretation.

Pam said we look at these on case by case basis and are monitoring. Bethany noted that Representative Lavelle came down to a meeting, we are following the mandate, we are advisory, I am very comfortable. I feel very comfortable.

3) Adjournment

Bill asked and Harold made a Motion to adjourn which was second by La Vadia. With all in favor the meeting closed.

Respectfully submitted,
Vicki E. Ward
Administrative Specialist III, DNREC

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Community Involvement Advisory Council members and the public in supplementing their personal notes and recall for presentations.